



General Assembly

January Session, 2011

**Amendment**

LCO No. 6101

**\*SB0083006101SD0\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
SEN. DOYLE, 9<sup>th</sup> Dist.  
SEN. LEBEAU, 3<sup>rd</sup> Dist.

SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.  
SEN. STILLMAN, 20<sup>th</sup> Dist.  
SEN. MEYER, 12<sup>th</sup> Dist.

To: Subst. Senate Bill No. 830

File No. 691

Cal. No. 249

**"AN ACT PROHIBITING THE USE OF CERTAIN OUTDOOR WOOD-BURNING FURNACES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22a-174k of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) For purposes of this section, "residence" means any structure  
6 customarily used for human habitation. "Residence" does not include  
7 any structure or portion of any structure that is not customarily used  
8 for human habitation that is contiguous to a structure customarily  
9 used for habitation; and "outdoor wood-burning furnace" means an  
10 accessory structure or appliance designed to be located outside living  
11 space ordinarily used for human habitation and designed to transfer or  
12 provide heat, via liquid, hot air or other means, through the burning of  
13 wood or solid waste, for heating spaces other than where such

14 structure or appliance is located, any other structure or appliance on  
15 the premises, or for heating domestic, swimming pool, hot tub or  
16 jacuzzi water. "Outdoor wood-burning furnace" does not include a fire  
17 pit, wood-fired barbecue or chiminea.

18 (b) No person shall, [from] on and after July 8, 2005, [to the effective  
19 date of regulations promulgated by the United States Environmental  
20 Protection Agency to regulate outdoor wood-burning furnaces,]  
21 construct, install, establish, modify, operate or use an outdoor wood-  
22 burning furnace, unless (1) the outdoor wood-burning furnace was  
23 constructed, installed, established, modified, operated or in use prior  
24 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with  
25 the following:

26 (A) [Installation of the] The chimney of the outdoor wood-burning  
27 furnace is not less than two hundred feet from the nearest exterior wall  
28 of an existing residence not serviced by the outdoor wood-burning  
29 furnace;

30 (B) Installation of the chimney of the outdoor wood-burning furnace  
31 is at a height that is more than the height of the existing roof peaks of  
32 the residences that are located within five hundred feet of the outdoor  
33 wood-burning furnace, which residences are not serviced by the  
34 outdoor wood-burning furnace, provided the chimney height is not  
35 more than fifty-five feet;

36 (C) No other materials are burned in the outdoor wood-burning  
37 furnace other than wood that has not been chemically treated or wood  
38 pellets; and

39 (D) Installation and operation of the outdoor wood-burning furnace  
40 is in accordance with the manufacturer's written instructions, provided  
41 such instructions do not conflict with the provisions of this section.

42 (c) On and after October 1, 2011, no person shall construct, install or  
43 establish an outdoor wood-burning furnace, unless such outdoor  
44 wood-burning furnace meets a Phase II emission standard with a

45 particulate matter emission limit of 0.32 pounds per MMBtu heat  
46 output. On and after July 1, 2016, no person shall operate or use an  
47 outdoor wood-burning furnace unless such furnace meets a Phase II  
48 emission standard with a particulate matter emission limit of 0.32  
49 pounds per MMBtu heat output.

50 [(c)] (d) The provisions of this section shall be enforced by the  
51 Commissioner of Environmental Protection and may be enforced by  
52 the municipality affected by the operation or potential operation of an  
53 outdoor wood-burning furnace. Any municipality may regulate or  
54 institute a prohibition on the operation or use of outdoor wood-  
55 burning furnaces for the period beginning May fifteenth and ending  
56 September fifteenth, or any period of time between such dates,  
57 provided nothing in this subsection shall be construed to affect any  
58 municipal ordinance or regulation restricting or prohibiting the  
59 operation or use of outdoor wood-burning furnaces at any time of the  
60 year. Any local director of health also may enforce the provisions of  
61 this section.

62 [(d)] (e) Any person who operates an outdoor wood-burning  
63 furnace in violation of this section shall be deemed to have committed  
64 [an infraction] a violation and shall be fined not more than [ninety]  
65 two hundred fifty dollars for a first violation. Each subsequent day of  
66 operation of such outdoor wood-burning furnace in violation of this  
67 section following such first violation shall be a separate violation and  
68 shall carry a fine of one hundred dollars for each such subsequent day.

69 (f) Nothing in this section shall be construed to prohibit the  
70 replacement or modification of any outdoor wood-burning furnace to  
71 meet a Phase II emission standard."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	22a-174k
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